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My Rights Aren't a Matter Of Address

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Virginians are proud of the commonwealth's role in the founding of the country and the formation of the ideals and rights that define us as Americans.

From George Mason's Virginia Declaration of Rights, to Thomas Jefferson's Statute for Religious Freedom to James Madison's role as the father of the Constitution, Virginians have been at the forefront of declaring and protecting individual rights.

Increasingly, however, these rights are being undermined or stripped by a form of government that the Founders did not foresee: the property owners association (POA).

The Constitution and Virginia law specifically recognize and protect the display of political yard signs on a homeowner's property, yet a POA can and often does strip people of this right to free speech.

In letters sent to people who had put up political signs in my community in Prince William County, the POA claimed that the "aesthetic preservation" of the neighborhood was at stake. Presumably all signs would have an effect on community aesthetics, yet some circumstances, such as selling a home or having a yard sale, require a sign. The POA regulates the size, number and length of time such signs can be displayed but generally allows them. So why should political signs be singled out for prohibition?

During holiday seasons, homeowners in my development are encouraged to decorate their homes with, say, Halloween scenes or Christmas decorations. Shouldn't Election Day be treated as an important holiday for democracy? In my community, putting the issue to a vote has been suggested, but I disagree with this approach. What the Constitution gives, neither my POA nor my neighbors should be able to take away. Moving into a POA-ruled neighborhood should not mean moving out of America.

Property owners associations in Virginia have the legal right to prohibit homeowners from displaying political signs in their own yards. Homeowners are bound by the contracts they must sign to live in POA-regulated neighborhoods, and they agree to sacrifice some rights at the gates to the community. But it should not be within the reach of a POA to establish covenants that deny homeowners a constitutional right. Limitations on the size, number and duration of sign displays might be reasonable, but prohibition is not.

Across the country, state legislatures have recognized this problem and have passed legislation to protect homeowners against overreaching POAs. In the past year at least five states passed laws to prohibit POAs from denying their members the right to display political signs on their own property, joining other states such as Maryland that already provide such protections.

To stop free-speech infringements by POAs, the Virginia General Assembly should follow the example of these states. Legislation has been introduced in both the House and Senate in Richmond, and a bill should be passed and signed into law. The efforts of our neighborhood's founding developers to create attractive, homogeneous enclaves should not trump the efforts of the Founders to declare and protect the rights we enjoy as Virginians and as Americans.

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